



U.S. Department of Justice

United States Attorney
Southern District of New York

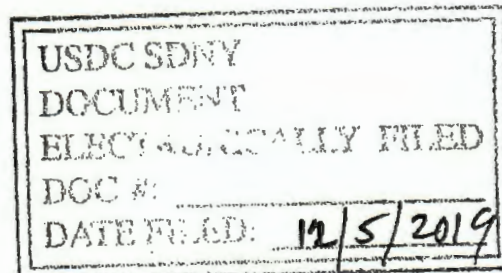
The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

MEMO ENDORSED

December 4, 2019

BY EMAIL

Honorable Denise L. Cote
United States District Judge, Part I
Southern District of New York
500 Pearl Street – Room 1910
New York, New York 10007
Cotensydchambers@nysd.uscourts.gov



Re: *United States v. Virgil Griffith*, 19 Mag. 10987

Dear Judge Cote:

The Government respectfully requests that the Court, sitting in Part I, stay the release order pertaining to defendant Virgil Griffith that was issued by a magistrate judge in the Central District of California on December 2, 2019. The Government requests that the release order be stayed until the defendant is transferred to this District, pursuant to Rule 5(c)(3), so that the parties can be heard on a date and time set by the Court with jurisdiction over the underlying matter.

On November 21, 2019, Griffith was charged in a complaint (the "Complaint") signed by the Honorable Sarah Netburn, Magistrate Judge for the Southern District of New York, with conspiring to violate the International Emergency Economic Powers Act ("IEEPA"), Title 50, United States Code, Sections 1705. A copy of the Complaint, which provides the factual background underlying the charges in this case, is attached hereto as Exhibit A. As alleged in the Complaint, the defendant, an expert in cryptocurrency who lives in Singapore, traveled to North Korea after the United States Department of State denied his request to do so. In North Korea, Griffith gave a presentation that he developed for the conference on technologies that he knew could be used to evade sanctions.

On November 28, 2019, Griffith was arrested in the Los Angeles International Airport on route to Baltimore, Maryland. Because the Central District of California ("CDCA") was closed on November 28 and 29, 2019, Griffith first appeared in CDCA on December 2, 2019. At Griffith's presentment, the Government sought detention and extradition to SDNY and the defendant sought bail. The Honorable Maria A. Audero, Magistrate Judge for the Central District of California, ordered the defendant bailed on certain conditions. *See United States v. Virgil Griffith*, 19 Mj. 05082 (C.D.Ca.) (the "Release Order"). At the request of the Government, Magistrate Judge Audero stayed the Release Order for one week, or until December 9, 2019, to enable the Government to seek a further stay of the Release Order from this Court until the defendant is transferred to the Southern District of New York.

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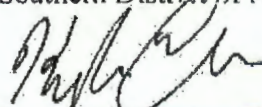
As noted, the Government seeks a stay of the Release Order until such time as the defendant is transferred to this district pursuant to Rule 5(c)(3). This Court, as “the court having original jurisdiction over the offense,” has jurisdiction over the Government’s motion for revocation of the Release Order. *See* 18 U.S.C. § 3145(a)(1); *United States v. El-Edwy*, 272 F.3d 149, 153 (2d Cir. 2001) (holding that, for purposes of a motion under § 3145(a) for revocation of a release order issued by a magistrate judge in another district where the defendant was arrested, “the court having original jurisdiction over the offense” is “the district in which the prosecution of the offense is pending,” and noting that “[w]ith respect to the decision whether to detain or conditionally release the defendant, . . . section 3145(a) makes clear that the ultimate authority lies with the district that has the primary interest in the question – the district in which the prosecution is pending”); *see also, e.g., United States v. Dominguez*, 509 F. App’x 28, 29-30 (2d Cir. 2013) (affirming revocation, by a district court in this District, of an order issued by a magistrate judge in the Southern District of Florida releasing a defendant who had been indicted on narcotics-related charges in this District).

The Government intends to make an application appealing the Release Order as soon as Griffith arrives in this District. Accordingly, in light of the foregoing, the Government respectfully requests that the Release Order be stayed pending the defendant’s transfer to this district, so that this Court can hear from the parties regarding the Government’s application.

Respectfully submitted,

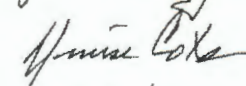
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Attorney for Virgil Griffith (By Email)

*Granted. The defendant should be brought
to the SDNY as expeditiously as possible.*

12/4/19